The 2008-2009 Assault on Gaza
“Disproportionate Force” and the “Collective Punishment” of a People

On 27th December 2008 Israel launched a wide-scale military offensive against the population and infrastructure of the Gaza Strip. The assault on Gaza lasted for 22 days and represented the most devastating military assault against the Strip in nearly 42 years of occupation. The loss of life, destruction of homes and infrastructure and the traumatic legacy of the attack continue to have an acute impact on education in Gaza.

- After aerial attacks coupled with an intensive ground invasion that began on 3rd January, the final death toll exceeded 1,400 Palestinians - the majority of them civilians, (PCHR, 2009) including 352 children (DCI/PS, 2010).

- Over 5,000 more were wounded during the offensive (PCHR, 2009) and much of the civilian infrastructure of the territory was destroyed, with schools, hospitals, mosques, civilian homes and a United Nations’ compound severely damaged or destroyed(OCHA, 2009).

- An investigation by the UN concluded that Israel had used both “disproportionate force” and “collective punishment” against the population of Gaza (United Nations Fact Finding Mission on the Gaza Conflict, 2009, p. 24; 526), and stated that there is strong evidence that during the assault “Israel committed actions amounting to war crimes, and possibly crimes against humanity.” (UNHCHR, 2009)

Context of the assault

- Israel claims that it ended the occupation of Gaza when it ‘disengaged’ in 2005 with the withdrawal of 8,000 settlers. However, Israel remains firmly in command of Gaza’s sovereignty, controlling its borders (along with Egypt), air space and coastal waters, whilst reserving for itself the right to conduct regular incursions. Consequently, when Israel announced its intention to disengage in 2004, the United Nations Special Rapporteur to the United Nations Commission on Human Rights reported that until this situation changes Israel will “in law remain an Occupying Power still subject to obligations under the Fourth Geneva Convention.” (Dugard, 2004)

- Gaza is surrounded on three sides by a fence and a ‘seam zone’ is enforced up to 1km into the territory by Israeli snipers. In 2007 Israel stepped up a total blockade of Gaza by preventing access to the territory and depriving its population of the most basic of goods.

- Before the 2008-2009 assault, the population of Gaza was already enduring a miserable existence. Israel regularly made military incursions into the Gaza Strip, whilst Hamas and other Palestinian resistance groups fired rockets across the border at Israeli settlements. The Israeli government invested in protective shelters in the towns of Najd (Sderot) and Majdal (Ashkelon), while neighbouring Bedouin Arab communities received notably less protection. Since the withdrawal of settlers in 2005 to 2007, the Israeli military has killed 1,290 Palestinians (Shlaim, 2009). Meanwhile the economy of Gaza collapsed under the strain of the ongoing siege.
The 2008 Ceasefire

- From 18 June 2008, the Israeli government and the Hamas government agreed a six month long ceasefire, the terms of which were reportedly “commitment by the Gaza authorities to halt attacks by Palestinian armed groups against Israel immediately and a commitment by Israel to cease its military operations in Gaza. Israel also reportedly agreed to ease its blockade of Gaza and gradually lift its ban on the import of a large number of commodities” (United Nations Fact Finding Mission on the Gaza Conflict, 2009, pp. 71-72).


- Israel did not extend the ceasefire to the West Bank and continued its operations as normal. In addition to the reclosing of border crossings and attacks on Palestinian fishermen in Gaza, this placed a strain on the ceasefire in Gaza. (For a full account of events between the ceasefire of 18 June 2008 and the start of the assault on Gaza on 27 December see the United Nations Fact Finding Mission on Gaza Conflict, 2009, p. 71-82.)

- After two months in which few incidents were reported, Israel sent troops into Gaza on 4th November 2008 and conducted an air strike, which left 6 al-Qassam fighters (the armed resistance wing of Hamas) dead (United Nations Fact Finding Mission on the Gaza Conflict, 2009, p. 78). Al-Qassam brigades responded by firing rockets into Israel.

- The siege was not lifted during the ceasefire and was intensified after the ceasefire was definitively broken by Israel on the 4th November. Shortages of basic food supplies meant that UNRWA was forced to suspend food rations to the 750,000 Palestinians (mostly refugees) who depend on food aid for survival, for 5 days (United Nations Fact Finding Mission on the Gaza Conflict, 2009, p. 79).

- The Hamas Government of Gaza refused to renew the ceasefire on the 18th December, citing Israel’s refusal to lift the siege as a reason (United Nations Fact Finding Mission on the Gaza Conflict, 2009, p. 81).

Human Casualties

- The civilian population of the Gaza Strip bore the brunt of Israel’s attack upon the territory. Arik Dubnov, a reservist in the Israeli army, told the Jewish Chronicle:

  “From the first briefings before going in, it was clear that the army had changed its entire mindset.”

| Killings of children in Gaza by Israeli Forces before “disengagement” and after |
|---|---|
| 2000 | 36 |
| 2001 | 51 |
| 2002 | 75 |
| 2003 | 60 |
| 2004 | 114 |
| 2005 | 26 |
| 2006 | 100 |
| 2007 | 32 |
| 2008 (until June 2008) | 54 |
| Total | 548 |

Source (PCHR, 2008, p. 8)

“We must continue to fight Hamas just like the United States did with the Japanese in World War II. Then, too, the occupation of the country was unnecessary.”

Avigdor Lieberman, Israeli foreign minister, during the attack on Gaza. This statement was interpreted as a reference to the dropping of atomic bombs on Hiroshima and Nagasaki in 1945. (Mossawa Centre, 2009, p. 18)
Instead of getting the usual precautions on harming civilians, we were told about the need to make a very aggressive entry. We were told ‘any sign of danger open up with massive fire’.

(Pfeffer, 2009)

- Human Rights Watch documents seven separate incidents in which Israeli forces opened fire on civilians waving white flags (HRW, 2009, p. 3). They report that four children were amongst those shot and killed by Israeli soldiers in these incidents. Human Right Watch “found no evidence that the civilian victims were used by Palestinian fighters as human shields or were shot in the crossfire between opposing forces” (HRW, 2009, p. 3).

- The UN’s subsequent investigation into the winter attack repeatedly cites Israel’s deliberate targeting of civilians as a possible war crime. (UNHCHR, 2009).

- The UN report refers to “credible” allegations of the Israeli military using Palestinian civilians as human shields (United Nations Fact Finding Mission on the Gaza Conflict, 2009, p. 281). It also states that these are corroborated by accounts from Israeli soldiers provided by the NGO ‘Breaking the Silence’ (United Nations Fact Finding Mission on the Gaza Conflict, 2009, p. 295). This practise is known by Israeli soldiers as the “Johnnie Procedure”, where civilians are blindfolded and handcuffed and forced at gunpoint to enter houses, which might be booby trapped or contain resistance fighters who may fire on them. This breaches the 4th Geneva Convention and is listed as a war crime under the Rome Statute (United Nations Fact Finding Mission on the Gaza Conflict, 2009, p. 299). The UN report found no evidence to substantiate Israel’s claims that Palestinian resistance or the Hamas government used civilians as human shields.

**Destruction of civilian installations**

- The United Nations Office for the Coordination of Humanitarian Affairs reports that more than 6,000 houses were totally destroyed or sustained severe damage during the attack, whilst a further 52,900 incurred minor damage. Reconstruction efforts after the attacks have been severely restricted by the Israeli refusal to allow building materials into Gaza. (UN OCHA, 2009).

**The deaths of Yasmin (15) and Hanin (16) Wa'el Dhaban**

On the first day of the attack, Israeli forces bombed the government security building in Tal al-Hawa, Gaza City. The Balqis al-Yaman school is situated behind the security building. The strike coincided with the changeover of shifts in the school day, so there were numerous pupils on the streets coming from or going to school. Yasmin and Hanin had just finished an exam and were walking past the building when it was attacked. After hearing the explosion Aziz, their older brother, left the family home to look for them: 

“I saw a large number of schoolchildren in their school uniforms running hysterically. Blood covered the faces of some children."

He saw two paramedics holding the body of a girl: “It was Hanin. There many wounds in her nose. Blood was coming out from the back of her head. There were many holes in her red blouse.”

Aziz took her to al-Quds hospital and returned to look for Yasmin. He was directed to the Shifa Hospital. In the yard, at the entrance to the morgue, more than 300 bodies lay. Aziz found Yasmin in the morgue: 

“Several holes filled her chest. Blood came out of her body. Her clothes were torn off. I could not pull myself together.”

At least 12 children were killed in the attack, many more were wounded.

Source DCI/Palestine

**Counting the Cost of Operation Cast Lead**

- 7,000 – homes destroyed or badly damaged (UNRWA)
- 1,400 – Palestinians killed (B’Tselem, PCHR)
- 352 – child fatalities (DCI-Palestine)
- 1 – United Nations compound attacked
The town of Rafah in southern Gaza was hit particularly hard, due to the location of tunnels under the border with Egypt, and areas near to Israel were also badly affected. Not a single building was left standing in Izbit Abed Rabbo, a town of five thousand inhabitants less than one kilometre from Israel. During the assault the town came under continued aerial bombardment before Israeli ground forces moved into the area. Homes were dynamited by troops and bulldozers then flattened any buildings that had been left standing (Britain-Palestine All Party Parliamentary Group, 2009).

‘Dor’, an Israeli soldier from the regular combat engineering battalion, described the destruction of civilian targets in the northern town of Sajaiya to the Jewish Chronicle:

“We must have destroyed about 100 homes in Sajaiya in the week we spent there. Some buildings were bulldozed, in other cases we used explosives, and if the firing was intense, we used the tank’s cannons or called in an attack helicopter. We also destroyed public buildings, including a school, because they occupied strategic vantage points that could have been used to fire upon us.” (Pfeffer, 2009)

The deliberate targeting of civilian properties is prohibited under international law and can constitute a war crime.

Attacks on schools and universities

- **372 school and university students were killed during the assault on Gaza** (PCHR, 2009). The coordinates of all schools had been given to the Israeli military and consequently civilians often used schools as bomb shelters. This meant when they were shelled there was a high loss of life. For instance, bombing outside Al-Fakhoora UNRWA school in Jabaliya refugee camp on 6th January killed 43 people, a number of whom had been sheltering there (Al Jazeera English).

- The air strikes on the first day of the Israeli offensive coincided with the end of the first shift of the school day and the beginning of the second one. Many university students were also attending their final exams of the first semester and were moving on the streets of Gaza at the height of the first attack (PCHR, 2009, p. 107).

- **The bombings completely and partially destroyed many educational facilities causing longstanding damage to the right to education in Gaza.** This includes 150 out of the 384 public schools in Gaza, the main building of the Ministry for Education, a number of UNRWA schools that were clearly identifiable by UN insignia, 46 private schools and kindergartens and numerous higher educational institutions (PCHR, 2009, p. 108).

- **The damage and destruction of schools has been compounded by the intensification of the Israeli blockade of Gaza.** This has severely restricted the entry of goods including building materials (DPA, 2009). For example, the American International School in northern Gaza - which was directly bombed on 3rd January despite the Israeli military having its coordinates - still remains rubble almost a year later (AIS-Gaza).
• 150 out of 384 public schools were attacked, affecting the right to education of 250,000 students, while 5 Kindergartens were completely destroyed and 30 partially destroyed. In one attack on 11 January, Israeli fighter jets dropped a number of bombs on the al-Fadila Orphanage, which includes a school, a mosque, a science college and a computer lab. The school was completely destroyed (PCHR, 2009, p. 118).

• On 17 January 2009, the Mashrou Beit Lahiya School for boys, operated by UNRWA, was attacked with white phosphorous, killing two young brothers. Parents had taken their children to the school because they heard the Israeli army would not target UN schools (DCI/PS July 2009, p.3).

• The Islamic University, the largest and oldest university in Gaza, was deliberately targeted by the Israeli military. The Israeli military claims that rockets and explosives were stored in the university, but the UN report on the assault states they did not find “any information about [its] use as a military facility or [its] contribution to a military effort that might have made [it] a legitimate target” (United Nations Fact Finding Mission on the Gaza Conflict, 2009, p. 353).

Destruction of Medical and Humanitarian Installations

• At the height of the assault UNWRA was forced to suspend humanitarian operations following the shelling of a UN Aid Convoy by the Israeli army. The assault on Gaza was characterised by Israel's disregard for humanitarian agencies, with UNRWA's Gaza City compound, as well as hospitals, ambulances and medical personnel coming under attack (UNISPAL, 2009).

• The International Committee of the Red Cross (ICRC) reported that Israel had prevented ambulances from accessing injured civilians and at one stage the ICRC was forced to evacuate injured civilians using donkey carts (Tran, 2009). In one home shelled by the Israeli military ICRC medics found four small children next to their dead mothers' bodies. They were too weak to stand, yet the ICRC reported that the Israeli military did not assist the children and even delayed their access to medical assistance (Nebehay, 2009). For a news interview with the ICRC paramedic, click here.

• A Christian Aid-funded clinic for mothers and babies in Gaza City was attacked and destroyed and hundreds of thousands of dollars’ worth of medical equipment was lost in the attack (Christian Aid, 2009). The clinic had provided primary health care to Palestinian residents, including mother and child clinics, neo-natal care and family planning advice. Its destruction has only added to the humanitarian catastrophe unfolding in Gaza.

• The major hospitals of Wafa, al-Awda and al-Quds were also attacked, the latter of which was severely damaged when it was hit on two separate occasions by Israeli missiles fired from F-16 fighter jets. A UN investigation into the assault referred to the “direct and intentional” attack on al-Quds as a war crime (United Nations Fact Finding Mission on the Gaza Conflict, 2009, p. 353).

Allegations of War Crimes and the UN Investigation

On 3 April 2009, the President of the Human Rights Council established the United Nations Fact Finding Mission on the Gaza Conflict with the mandate “to investigate all violations of
international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after." The Mission interpreted the mandate as requiring it to place the civilian population of the region at the centre of its concerns regarding the violations of international law.

Allegations that Israel had broken international law during the assault on Gaza focused on attacks on civilians and non military targets, but also on the use of weapons that are proscribed by international law. There is widespread evidence that Israel used white phosphorous shells in civilian areas, as well as cluster bombs and flechettes, allegations supported by a detailed UN investigation.

The UN report - headed by the former Chief Prosecutor for war-crime tribunals on Rwanda and the former Yugoslavia, Richard Goldstone - subsequently concluded that:

- **Israel and Palestinian groups had committed war crimes during the conflict.**
- **Israel had used both "disproportionate force" and "collective punishment"** against the population of Gaza – the assault on Gaza “was directed at the people of Gaza as a whole, in furtherance of an overall and continuing policy aimed at punishing the Gaza population, and in a deliberate policy of disproportionate force aimed at the civilian population.”
- **The destruction of food supply installations, water sanitation systems, concrete factories and residential houses was the result of a deliberate and systematic policy** which has made the daily process of living, and dignified living, more difficult for the civilian population.
- **It recommended that the Security Council ask Israel to conduct “appropriate investigations”** into the events of the assault on Gaza, and refer the matter to the prosecutor of the International Criminal Court should these not prove satisfactory.

The report also condemned some of Palestinian resistance groups for firing homemade rockets into Southern Israel in response to the attack. This, the report argues, is a war crime because they were not fired solely at Israeli forces but included areas populated by non-combatant Israelis. Three Israelis civilians and one soldier were killed by rocket fire during the 22 day long attack. However, the report did not find any evidence to support Israeli claims that resistance groups had been using civilians as human shields and noted that of the deaths it investigated all of the resistance fighters were wearing military style fatigues, making them identifiable as fighters.

**Persistence of the Occupation**

UN Security Council Resolution 1860 called for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza and the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment. Expressing grave concern at the deepening humanitarian crisis in Gaza, it emphasised the need to ensure the sustained and regular flow of goods and people through Gaza crossings.

Israel nonetheless continues to control the Gaza Strip and assail the population through the siege, which has crippled the territory since June 2007 (see separate briefing), leading incursions into Gaza, attacking the tunnels under the border with Egypt and enforcing the so called "seam zone."
Works Cited


